9th August 1939] [Sri V. I. Muniswami Pillai]

by including besides these licensees, the buyers, sellers and buyers and sellers of cotton.

"*Clause* 4.—The Committee gets information at present from Bombay by paying Rs. 7-12-0 per day. But if the society gets itself registered it can get the information by paying Rs. 5-4-0 per day gaining something like Rs. 875 per annum. So under clause 4 we are enacting that the society can get registered as a news agency.

"*Clause* 5.—The existing Act provides for expenditure for establishing and regulating markets. The present Bill seeks power for expenditure on cultural improvements. But the Government are taking power to see that the expenditure is controlled. We have also made provision not to disturb the term of office of the existing members due to the enlargement of the electorate brought about by clause 3.

"With these few words I request the House to accept my motion."

The motion was put and carried and the Bill was taken into consideration.

Clauses 2, 3, 4, 5, 6 and 7 were put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

* THE HON. SRI V. I. MUNISWAMI PILLAI:—"I move—

'that the Bill be passed into law.'"

The motion was put and carried and the Bill was passed into law.

(3) THE MADRAS CITY MUNICIPAL (AMENDMENT) BILL, 1939, AS PASSED BY THE ASSEMBLY.

THE HON. SRI B. GOPALA REDDI:—"Mr. President, I beg to move—

'that the Bill[a] further to amend the Madras City Municipal Act, 1919, for a certain purpose, as passed by the Assembly, be taken into consideration at once.'

"Sir, the contents of the Bill have been before the House for a long time and we had a long discussion of the measure in the Assembly. The Bill seeks to introduce simultaneous elections in all the wards of the City Corporation. Under the present system 15 seats fall vacant every year and elections are held annually. This system of annual elections disturbs the administration of the

a Printed as Appendix IV on page 169 infra.

[Sri B. Gopala Reddi] [9th August 1939

Corporation. Bombay, Calcutta and Karachi have the system of simultaneous elections once in three, four or five years. In Madras also we want to introduce that system.

" In this connexion I may inform the House that we have undertaken this legislation at the instance of the Corporation itself. A resolution to have simultaneous elections for the Corporation was passed by that body, 28 members voting for it and 9 against. Four members remained neutral. Out of the 28 members who voted for the proposition 7 were non-Congress councillors.

" The next thing to be noted in this connexion is that when we accept the principle of simultaneous elections we have to postpone this year's elections to some other date. We have taken 1940 as the year for the next elections because the councillors who were elected in 1938 should not be asked to face the electorate within that time. In the case of people who were elected in 1936, they will get one year added to their normal life as councillors. These are the consequences of the amending Bill. I hope the House will accept my motion."

* SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—" Sir, I rise to oppose this motion. The Hon. Minister told the House that he brought forward the Bill as per the recommendation of the Corporation. He gave also the number of persons who voted for the resolution of the Corporation, to show that it was not the Congress councillors only that voted for the resolution. I should like to quote a few passages from the proceedings of that meeting of the Corporation at which this resolution was adopted.

11-30 a.m. " Sir, the resolution reads thus: 'That this Council resolves to request the Government to suitably amend the Madras City Municipal Act IV of 1919, so as to provide for simultaneous elections to all the divisions of the City once in three years and further requests the Government to give effect to this from 1941.'

" In moving that resolution, Mr. Satyamurti, the Leader of the Congress Party stated that this form of election was there only for one or two years; but it was contradicted by the other side who stated that this mode of election was there from the year 1919 and subsequently Mr. Satyamurti has himself accepted that correction.

" Mr. Basu Dev in opposing that resolution stated: 'Sir, if to-day Mr. Satyamurti and his party want to know what the public think of them and their policy, I do not want them to wait till 1941. To-day I throw a challenge to them that we on this side will resign our seats; let them also all resign their seats and let there be a general election held for all the 40 divisions to-day. Why wait till 1941?'

9th August 1939] [Sri N. R. Samiappa Mudaliyar]

"Mr. Damodara Nayudu said:

'The real reason for his awakening is the reverses which the Congress Party suffered in the City Municipal elections in the early part of 1938 and the latter part of 1938. Mr. Satyamurti now thinks that if these elections are postponed in the years 1939 and 1940, his party will continue to have a majority and that he can rule the roost as he has been now doing. Otherwise I cannot understand why the Congress Party should bring in a resolution at a special meeting when the same was defeated last month. He now wants to snatch a vote.'

"It was pointed out that it was not defeated 'last time,' and that leave was not granted to move it.

"I shall now read the statement of Mr. Satyamurti, the Leader of the Congress Party in the Corporation Council:

'I am not in the confidence of the Madras Government as Mr. Damodaram Nayudu seems to be. Therefore I cannot say what the Government will or will not do. But I will say this: this Council is voting for this resolution, and not voting for what is in the mind of the Government. We are asking, in this resolution, for elections being held only in 1941 simultaneously for all the divisions. Let there be no mistake about that.

"And the voting would have been based only on the statement of the Leader of the Congress Party who is no other than Mr. Satyamurti Ayyar.

"The Hon. the Minister for Local Administration did not give any reason for advancing the election to 1940. If they really want to hold triennial elections, why not they accept the suggestion made in the Corporation Council? I now make the offer to the Hon. Minister to conduct the elections for all the seats in this year in November 1939, or if he thinks it is too early, at least in January 1940. Sir, after reading a speech of the Hon. Minister for Local Administration, said to have been made in one of the Northern districts 'that the decision for abolishing the Chirala Municipality is not based on anything connected with the maladministration or anything connected with the finances of that municipality,' but solely on political grounds and after hearing his statement on the floor of the House that he cannot forget that he is a party man first and Minister second, am I not justified if I say that this piece of legislation is intended solely with the desire to save his party men from defeat this year and try his chance next year. I can assure him that even if they go to the polls next year they are not going to fare better than this year. However, if the party in power really wants to follow the democratic principle, the Minister must accept the challenge thrown out by the Opposition in the Corporation Council by allowing the elections to be conducted this year or to conduct the elections this year and allow the new Act to come into force from the year 1941 as the Leader of the Congress Party stated in the Corporation Council. If you state that the general election will be held in the year 1940 and conduct the election this year, and

if a person comes forward to contest this election, he is taking a risk. Why do you want to consider the convenience or inconvenience of the candidates who are going to contest the election with eyes open? On the other hand, if the Government's intention is really that they should not penalize the members who were elected last year, I do not ask them to do it. But conduct the election this year with a clear notice to them that the election according to the principle of triennial elections will be conducted in 1941. Therefore, if I say that this legislation is simply intended to protect the few councillors of the Congress Party from facing a defeat in the election, I will not be wrong. I hope that the House will not agree to this motion."

* SRI K. MADHAVA MENON:—"I am not surprised, Sir, at the motive attributed to the Government for this resolution by the Leader of the Opposition. Everything seems yellow to the jaundiced eye. The Justice Party has not done anything without a motive, whether personal or party motive and they cannot see anything else in others. If they do even a good thing, they will find a motive behind it. Yes, Sir, the motive behind is proper continuity, proper administration. Having elections every year—I have been in local bodies for the last 16 years and at the time also when there were these annual elections in municipal councils—upsets the entire administration. It makes every year always exciting and normal activities are put a stop to. The Leader of the Opposition has thrown out a challenge that even after this is done the Congress will not win, that they will win. All right, you have a better chance of getting an absolute majority. You fight in 1940, get a majority and you need not be afraid of these 15 councillors changing after that. Why should he attack the Government for having advanced the time of election by one year? Why not they fight and succeed in 1940? You say, or insinuate, that the Congress has a majority now and that the Congress wants to continue that majority for one year till 1940 and that that is the reason for this resolution. Why do you want one year's life more by asking to postpone the elections to 1941? I really cannot see any reason behind it. 'It is bad', everything done by the Congress is bad for the Leader of the Opposition. That is the only ground for opposition to the resolution that I can understand. The abolition of this system will certainly help the continuity of the administration and any party, the party to which the Leader of the Opposition belongs or the party to which I have the honour to belong, can do anything and get a secure tenure of three years."

* SRI K. VENKATASWAMI NAYUDU:—"Mr. President, this system of simultaneous elections exists everywhere—throughout the country and throughout the world. In all other municipal Corporations annual elections have been abolished. In all the

municipalities and local boards also, Sir, you have got these simultaneous elections. And it is only in our Corporation that we find this old system, a thing not felt to-day or yesterday but years together. And it is only by having simultaneous elections that we can have a good administration. It is not like the Assembly, Sir, where it is run on a party system, where you can dissolve it when the House does not have a majority. Sir, at least three years' time must be given to see that the council shows a new policy. Every year you are asked to face elections and there is the possibility that the councillor may say, 'This is my election year, do not have this or that.' And every year this rotation of these elections is going on. As we have found this system of triennial elections successful in every local body we can try it in the Madras Corporation also.

"Then, Sir, my friend Mr. Samiappa Mudaliyar said that there are political reasons behind this Bill. Mr. Madhava Menon, the Chairman of the Calicut Municipal Council, said that between 1939 and 1940 there is not much difference. There is no political motive behind this matter at all. Our friend asks, 'why not have it this year itself?' But I ask, 'Is it fair to ask the member to face an election, when he was elected last year only?' He can say, 'I was elected last year, and can this Legislature ask me in August without sufficient notice to face the elections?' In any country, Sir, elections are held simultaneously for the Assembly and the country faces the elections. It is not proper for one member there or one member here to be asked to face the elections in 1940. After all, between 1940 and 1941 there is not much difference. I think that the question of motive is not at all very important in this matter. Sir, while I am on this matter I may say that I was so surprised the other day when the Leader of the Opposition said in the other House that the resolution was a scrap of paper and it must have been thrown into the wastepaper basket and the Government had the grace of putting it as a Bill. I am surprised that an ex-Mayor should have thus slighted the Corporation Council."

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"Sir, can the hon. Member repeat a speech from the other House?"

* SRI K. VENKATASWAMI NAYUDU:—"I do not pursue it. However, I simply say it was a matter before the public, that I only wanted that this Corporation which is getting Rs. 65 lakhs per annum—an embryo Parliament—must be given the same facilities as Parliamentary institutions. The Corporation Council must be given three years to show at the end of it what good work it has done, whereupon the citizens should decide whom to send as their representatives. This reform was long due and I am glad the Government have brought this important measure just now."

11-45 a.m. * SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—" I am sorry I should also oppose this Bill. At the outset I should like to inform the Hon. Minister that I do not attribute any motive to him for this action. I am sure he has been convinced of the principle that this measure is good. But as a thinking man I also should like to put forward my view in the matter, because this Bill attempts completely to change the present system of elections and also to postpone the elections temporarily for a period of one year or two. So I oppose it. As a person who had something to do with the administration of local bodies, I have found that if 40 or 50 members in a district board are returned in one year as a result of the elections simultaneously, it is only a very few old members who will be re-elected and they will wield a lot of influence in the district boards. As a matter of fact, a district board meeting is converted into a cabinet meeting and a few members who have been re-elected headed by the president of the district board carry on the whole administration. The newly elected members, however educated they may be, are not in a position to know the working of the boards or their own power. I am speaking of the real state of affairs which I found in my district board. I think the same thing holds good in the case of the Corporation also. If out of 40 or 50 members one-third go out every year and two-thirds remain in office, the result would be the majority of members will be able to understand the working of the Corporation and the defects. Otherwise, if all the 40 or 50 members are elected simultaneously for the first time I am afraid only those old members who have been re-elected will have some influence and be able to know about the administration, but the rest will take one or two years to understand the affairs relating to the administration of the Corporation. I do not attribute any motive to my Hon. Friend the Minister for Local Administration. I am in entire agreement with him in his desire to make a reform and to get all the new members elected simultaneously. But I should like to point out that the disadvantages outweigh the advantages in this. That is why I suggest that a certain proportion of members may be allowed to be continued in office, say about two-thirds of the members and the rest one-third may go out of office every year. Again, we are told that there is a section of people who say that a member should not continue in office for a period of three years. But some people say that they should be there. If you have the elections only in one portion of the city, now that you have got the party system working well, you can organize and conduct the elections very efficiently. If you have the elections every year, then the public will have an opportunity of finding out whether their representatives are doing their work in the Corporation well or not. After all, there is not going to be election throughout the whole city. So there will not be

9th August 1939] [Sri M. Ramakrishna Reddi]

much confusion, if only some 15 seats are thrown open for election. If you have got 40 or 50 seats and if you hold the elections once in three years for all those seats, then only there will be a lot of trouble and confusion. What I say is this: there should be some old members in the council in order to guide the deliberations of the council; otherwise the Commissioner and the very few people who are re-elected will have a predominant voice in the affairs of the Corporation. I have practically no objection to postponing the elections for one year, if Government have got no motive behind it in so doing. What I ask is: 'What is the harm in continuing the same old system which has been going on for the last 17 years?' At no other time our Corporation has put forward this plea. This is the first time it has done so. If it has done so, why not ask it to reconsider its position, and then it will be time enough for them to come again before this House and ask for changing the present system. Now I think it is rather in a hasty manner that the Hon. Minister has brought forward this amending Bill."

THE HON. SRI. B. GOPALA REDDI:—"They made their representations in January last."

* SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—"Again we are told that in the Bombay and other Corporations of India we have got only periodical elections. Madras has earned the unique pride that our Premier is giving lead to other Provinces in the matter of having introduced certain other important pieces of legislation. Well, I ask why they should not also have the credit that they have their own procedure for the elections to the Corporation and why other Provinces should not take a leaf out of their book and copy it. I think there is no disadvantage in this."

* SRI B. BHEEMA RAO:—"Sir, only one principle is involved in this legislation and it is this: whether the council which has been elected should exist there for three years or we should make one-third of the members retire once in a year. That is the principle. The retirement of one-third of the members annually was tried under the District Municipalities Act, in fact by the Justice party, in 1921. Then they adopted this principle of retiring one-third of the members in the first year, one-third in the second year and the rest in the third year. Well, after trying this principle for two years the Justice party found that it greatly prevented the progress of civic affairs in our municipalities. Then they brought forward legislation to abrogate that principle. They afterwards reverted to the old system and enacted legislation that when a council has been elected, it should continue for three years. This is the principle obtaining under the District Municipalities Act. Even in the case of the premier

[Sri B. Bheema Rao] [9th August 1939

City Corporation, it is better that this system of the councillors serving for three years should continue. So far as this principle is concerned, I do not think there would be any marked public opinion against it.

" There is a subsidiary question regarding which the hon. the Leader of the Opposition has attributed some motive to the Hon. Minister. I am very sorry for it. There is only one point which I wish to refer to in that connexion. The hon. the Leader of the Opposition says, ' Let all the members go out, as the Leader of the party suggested, this year.' That is the suggestion that is made. One has to consider the position of those councillors who have been elected last year. They are entitled to serve under the Act for three years. Why should they be turned out now? Let them give one more year's service to the Corporation, and let the electorate then judge whether their representatives have done good work and whether they can return them again. So, I think both on grounds of principle and expediency that proposition is unacceptable. I hope the House will support this legislation."

THE HON. SRI B. GOPALA REDDI :—" Two members have spoken against the Bill. One did not say anything about the principle of holding simultaneous elections. The other did not say anything about the postponement of this year's election, but only objected to the main principle of the Bill. As regards the principle of having rotational elections, had I been convinced of the soundness of this principle, I certainly would have retained it in the City Municipal Act. Mr. Ramakrishna Reddi has paid a tribute to the Government and the Hon. Premier for giving a lead to other Provinces and we could have had the proud privilege of having a distinct characteristic of our own so far as the administration of the Corporation is concerned by continuing the rotational system of election, had the principle now existing been favourable for the carrying on of our civic administration properly. It is not right that the majority party which has been charged with the very difficult responsibility of carrying on the administration should be put on the defence year after year. They must be in a position to formulate a policy and carry on the work for three years; and if they are allowed to do so, at the end of three years they can go to the electorate and tell them what they have been able to achieve in the course of those three years. To ask the majority party to be on the defence every year and to be attacked, not by the entire electorate, but only by a portion of the electorate, is not a wholesome principle. As far as I can see, no definite policy or programme can be placed before the electorate. If they have to go and face a general election in all the wards, they can issue an election manifesto and ask the people to give their

9th August 1939] [Sri B. Gopala Reddi]

verdict in the light of that manifesto. But if it is only a case of a few wards having election, it would be difficult also to issue a new election manifesto every time. I am sorry I am not convinced of the soundness of this system. As my hon. Friend Mr. Bheema Rao said, this system was tried in district municipalities for over ten years and it was given up as early as 1930 and we never had that system in the district boards. I am also sorry to hear my friend, Mr. Ramakrishna Reddi, say that only the re-elected people have some influence and new people have no influence. I do not agree with that. There may be some people who may be highly qualified and although they might have been newly elected, they may wield some influence. I am also aware of cases where new members were elected as presidents immediately and wielded enormous influence. It all depends upon the personality of the man or the way in which he understands the working of the district boards and municipalities. The simultaneous elections system is working in district boards and municipalities and so we thought we could have simultaneous elections in the case of the Corporation also. That is the reason why we have accepted the resolution of the Corporation which was passed by such an overwhelming majority and I am thankful to the hon. Member, Mr. Ramakrishna Reddi for indirectly supporting the proposal for postponement of elections also.

" As regards the postponement of the elections when once you accept the main principle that we should have simultaneous elections, it is not desirable to have the elections according to the old system in 1939 and 1940. When we are convinced of the soundness of the principle of having simultaneous elections, we must once for all give up the present system of rotational elections and not postpone it. So there is no point in passing this legislation in August 1939 and have the elections according to the old system in October of this year again. Some people may say that it is in order to give one year's extension to certain Congress councillors that we are doing it. I must repudiate that suggestion. It is 12
not fair to those Congress councillors or to the Government to noon.
impute such motives. The Congress councillors themselves suggested that simultaneous elections should be held from 1941, but we did not accept that. Although some of the Congress and non-Congress councillors suggested that we might have this system from 1941, we did not yield to their persuasion. We stick to 1940 because without the least disturbance we can have the elections in 1940. If it is postponed to 1941, it will give five years life to members elected in 1936. There is also another point. If the elections for all the 45 divisions were to be held in 1939, the hon. Leader of the Opposition himself would have said that because nine non-Congress councillors were elected in 1938 we were bringing in this legislation to cut short their period

of membership by two years. He would read motives into the Bill even in that contingency. In order to avoid that, we have given some time and arranged for the elections to be held next year. As Mr. Venkataswami Nayudu said, it is not fair to the electorate to ask them to go to the polls in all the 45 divisions without proper notice.

" I may also point out, Sir, that it is not unusual to give these extensions whenever they are necessary. In the case of elections to district boards, sometimes for want of time for preparing the electoral rolls or for some other reason, many extensions have been given. I need not remind the hon. the Leader of the Opposition how the Tanjore elections which were due in 1935 were postponed till 1936 because the Minister then in charge of Local Administration divided the 24 districts into three groups, placed Tanjore in group three and extended the life of the Tanjore District Board by one year, so that the elections which were due in 1935 were held in 1936. Again, Sir, the Chicacole District Board (the old Ganjam District Board) had extensions three times. Elections were held in 1932 and the next elections were due in 1935, but on account of this grouping Ganjam went into the first group and the elections to that board were postponed to 1936 by special legislation. The elections to the Chicacole board were postponed to 1937. After we came into office, because we could not get the electoral rolls prepared in time, we had to postpone the elections to 1938. So I submit that extensions have been given according to the exigencies of the case and the Opposition need not unnecessarily read motives into this postponement. Sir, I wish them well if they defeat us in the next elections. We will take the defeat cheerfully, if it comes in 1940 or 1941 or even in 1939. But to say that we want to give extensions to a set of Congress councillors in the Corporation and therefore we are bringing in this Bill is unfair. Sir, I move that the Bill be taken into consideration."

The motion was put and carried and the Bill was taken into consideration.

Clause 2 was put and carried.

Clause 3 was put and carried.

Clause 4 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. SRI B. GOPALA REDDI:—" I move—

' *that the Bill be passed into law* '."

The motion was put and carried and the Bill was passed into law.